

# Senate File 293 - Introduced

SENATE FILE 293

BY D. JOHNSON

## A BILL FOR

1 An Act establishing a master matrix evaluation advisory  
2 committee, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   MASTER MATRIX EVALUATION ADVISORY COMMITTEE.

2     1.   A master matrix advisory committee is established to  
3 evaluate the use and value of the master matrix adopted by the  
4 department of natural resources pursuant to section 459.305 and  
5 the extent to which the process of evaluating and approving  
6 or disapproving the construction of a confinement feeding  
7 operation structure by the department of natural resources may  
8 be improved.

9     2.   The advisory committee shall be composed of fifteen  
10 voting members, including all of the following:

11     a.   The director of the department of natural resources or a  
12 designee of the director.

13     b.   The secretary of agriculture or a designee of the  
14 secretary.

15     c.   The director of the Iowa department of public health, or  
16 the director's designee.

17     d.   A representative of the Iowa environmental council.

18     e.   A representative of the Iowa natural heritage  
19 foundation.

20     f.   A representative of the Iowa state association of  
21 counties.

22     g.   A representative of the Iowa league of cities.

23     h.   A representative of the Iowa public health association.

24     i.   A representative of the Iowa association of municipal  
25 utilities.

26     j.   A representative of the Iowa pork producers association.

27     k.   A representative of the Iowa cattlemen's association.

28     l.   A representative of the Iowa poultry association.

29     m.   A representative of the Iowa corn growers association.

30     n.   A representative of the Iowa soybean association.

31     o.   A representative of the Iowa farm bureau federation.

32     3.   The advisory committee shall also include four members  
33 of the general assembly appointed to serve in an ex officio,  
34 nonvoting capacity. The legislative members shall be selected,  
35 one member each, by the majority leader of the senate, the

1 minority leader of the senate, the speaker of the house of  
2 representatives, and the minority leader of the house of  
3 representatives.

4 4. The department of natural resources shall provide  
5 administrative support to the committee. The attorney general  
6 shall appoint an assistant attorney general to provide the  
7 advisory committee with legal counsel and assistance. The  
8 president of Iowa state university of science and technology  
9 shall appoint a person to provide the advisory committee with  
10 technical advice and assistance.

11 5. The director of the department of natural resources  
12 or the director's designee shall serve as the advisory  
13 committee's chairperson. The advisory committee may elect a  
14 vice-chairperson. A majority of the voting members of the  
15 advisory committee constitutes a quorum. Any substantive  
16 action taken by the advisory committee must be adopted by the  
17 affirmative vote of a majority of its voting membership. A  
18 lesser number of voting members may adjourn a meeting.

19 6. Voting members of the advisory committee, other than  
20 state employees, are entitled to be reimbursed for actual  
21 expenses necessarily incurred in the discharge of their  
22 duties as members of the advisory committee. The expenses  
23 shall be paid to the advisory committee members from moneys  
24 appropriated to the department of natural resources. Voting  
25 members of the advisory committee, other than state employees,  
26 are eligible to receive compensation as provided in section  
27 7E.6. A legislative member is eligible to receive a per diem  
28 and expenses as provided in section 2.10.

29 7. The advisory committee shall consider all of the  
30 following in evaluating the use of the master matrix:

31 a. The extent to which the master matrix is designed for  
32 use by county boards of supervisors in making decisions for the  
33 public interest.

34 b. The use and value of different subcategories of criteria  
35 in the master matrix used to score an application, including

1 the impact of a proposed construction on water quality, air  
2 quality, and community, as well as public health, secondary  
3 road systems, and public utilities. The advisory committee  
4 shall evaluate the necessity of retaining existing criteria or  
5 adding new criteria.

6 c. The manner in which criteria is scored, including the use  
7 of a positive and negative point system, and the calculation of  
8 a minimum threshold score to receive a satisfactory rating.

9 8. The advisory committee shall determine the extent  
10 to which the process of approving applications for the  
11 construction of confinement feeding operation structures,  
12 including the siting of such structures and the use of manure  
13 management practices, may be improved. The advisory committee  
14 shall consider the functions of cities and counties in this  
15 process and the limitations imposed on county boards of  
16 supervisors to make decisions regulating the construction and  
17 management of confinement feeding operations under section  
18 331.304A.

19 9. The advisory committee may conduct hearings throughout  
20 the state to receive public comments. The committee shall  
21 conduct surveys of county boards of supervisors throughout the  
22 state. All hearings and meetings of the advisory committee  
23 shall be open to the public.

24 10. The advisory committee shall prepare and submit a  
25 report to the governor and general assembly not later than  
26 December 15, 2017. The report shall include the findings  
27 and recommendations of the advisory committee, including  
28 proposed legislation for consideration by the eighty-seventh  
29 general assembly and a proposed notice of intended action for  
30 the adoption of rules for consideration by the environmental  
31 protection commission. The committee shall discontinue its  
32 functions on that date.

33 Sec. 2. REPEAL. This Act is repealed on July 1, 2018.

34 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
35 immediate importance, takes effect upon enactment.

## 1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 BILL'S PROVISIONS — ESTABLISHMENT OF A MASTER MATRIX  
5 ADVISORY COMMITTEE. This bill establishes a master matrix  
6 advisory committee to evaluate the use and value of the  
7 department of natural resource's master matrix and the process  
8 of evaluating and approving or disapproving applications to  
9 establish or expand confinement feeding operations.

10 BILL'S PROVISIONS — COMPOSITION OF COMMITTEE MEMBERSHIP  
11 AND PROCEDURES. The advisory committee is to be composed  
12 of (1) members of state agencies regulating environmental  
13 protection, agriculture, and public health; (2) representatives  
14 of private organizations interested in the environment and  
15 natural resources, the interests of counties and cities, public  
16 health, and utilities; and (3) representatives of private  
17 organizations associated with agricultural production which  
18 includes both crop production (corn and soybeans) and animal  
19 agricultural production (swine, cattle, and poultry). The bill  
20 includes four members of the general assembly. The advisory  
21 committee is to be staffed by departmental employees, an  
22 assistant attorney general, and a person appointed by Iowa  
23 state university of science and technology. The bill provides  
24 procedures for the operation of the advisory committee,  
25 including the designation of a chairperson, quorum and voting  
26 requirements, and compensation.

27 BILL'S PROVISIONS — DUTIES. The advisory committee  
28 is required to consider the use and value of different  
29 subcategories of criteria in the master matrix used to score an  
30 application, and the manner in which criteria is scored. The  
31 advisory committee is also required to determine the extent to  
32 which the process of approving the construction of confinement  
33 feeding operation structures may be improved and statutory  
34 limitations imposed upon counties to regulate confinement  
35 feeding operations. The advisory committee may conduct

1 hearings throughout the state and conduct surveys of county  
2 boards of supervisors. The advisory committee must prepare and  
3 submit a report to the governor and general assembly not later  
4 than December 15, 2017. The report must include the advisory  
5 committee's findings and recommendations, including proposed  
6 legislation and rulemaking documents. The bill takes effect  
7 upon enactment and is repealed on July 1, 2018.

8     BACKGROUND — TERMS. A confinement feeding operation  
9 structure is a type of animal feeding operation that includes  
10 a building to house agricultural animals and a structure used  
11 to store manure or in the case of layer operations a structure  
12 used to store washwater. A confinement feeding operation  
13 refers to a place where agricultural animals are confined and  
14 fed in totally roofed buildings for 45 days or more in any  
15 12-month period.

16     BACKGROUND — PERMIT REQUIREMENTS. A person must obtain a  
17 permit from the department before constructing a confinement  
18 feeding operation structure (Code section 459.303), if the  
19 confinement feeding operation meets a minimum threshold  
20 capacity of 1,000 animal units (2,500 swine over 55 pounds) or  
21 would use an unformed manure storage structure (Code section  
22 459.304).

23     BACKGROUND — MASTER MATRIX. The master matrix refers  
24 to a form completed by a person applying for a construction  
25 permit. The applicant is awarded points based on an agreement  
26 to construct the confinement feeding operation structure or use  
27 manure management practices in a manner that exceeds specific  
28 state law requirements. For example, Code section 459.202  
29 requires a confinement feeding operation with an animal unit  
30 capacity of less than 1,000 animal units to be located at a  
31 minimum separation distance of 1,250 feet from an educational  
32 institution. The master matrix awards five points to the  
33 applicant if the separation distance is increased by 250  
34 feet (567 IAC ch. 65 Appendix B). The master matrix includes  
35 three subcategories which value impacts on air, water, and

1 community. An applicant must obtain a minimum overall score  
2 of 440 out of 880 points and a score of 25 percent of available  
3 points in each of the three subcategories. A county board of  
4 supervisors which adopts a construction evaluation resolution  
5 may evaluate the application and matrix and submit comments to  
6 the department (Code section 459.304), which decides whether to  
7 approve or disapprove the application (Code section 459.303).  
8 A county is statutorily preempted from approving, denying, or  
9 imposing conditions upon the construction of a confinement  
10 feeding operation structure or the management of manure  
11 originating from the operation (Code section 331.304A).